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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,271	02/05/2001	Uwe Sydon	01 P 7447 US	3400

7590 08/02/2004  
Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/777,271

Applicant(s)

SYDON ET AL.

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/17/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-9 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to the communication filed 5/17/2004. The allowance of claims 1 and 4 are withdrawn since reference US 2002/0061031 still reads on the claimed limitation.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugar et al. (US 2002/0061031).

Regarding claim 1, Sugar teaches a base station 12 (fig. 1) for combined wireless data and wireless telephony communication utilizing the same frequency spectrum, comprising: a data transceiver (protocol A, fig. 2, Bluetooth, [0117]) for transmitting and receiving wireless data;

a telephony transceiver (protocol B, fig. 2, voice [0117]) for transmitting and receiving wireless voice signals; and a controller/synchronizer 190 (fig. 2, col. 2, [0046]) coupled to said data transceiver and said telephony transceiver for monitoring operation of said telephony transceiver and controlling operation of said data transceiver in response thereto (clock of Bluetooth and HomeRF, frequency locked, transmission of Bluetooth does not overlap in time with Home RF voice slot [0117]). Sugar also teaches that said data transceiver includes a baseband portion 110 (fig. 2) and an RF portion 102, said telephone transceiver includes a baseband portion 112 and an RF portion 102, and said controller/synchronizer 190 is coupled to said respective baseband portions 110, 112 (fig. 2).

Regarding claim 2, Sugar also teaches that said controller/synchronizer prevents said data transceiver from transmitting when said telephony transceiver is receiving, and further wherein said controller/synchronizer prevents said data transceiver from receiving when said telephony transceiver is transmitting (delay or hold-off transmitting protocol signal A, which is data signal in Bluetooth [0058]).

Regarding claim 15, the claim is interpreted and rejected for the same reason as set forth in claim 1 in which Sugar also teaches that LAN in [0054] and [0109].

Regarding claim 16, the claim is interpreted and rejected for the same reason as set forth in claim 2.

2. Claims 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkinson (US 5,515,374).

Regarding claim 21, Atkinson teaches a base station (fig. 1), for combined wireless data 104 and wireless telephony 102 communication utilizing the same frequency spectrum (col. 2, 1-6, hoping), comprising: a data transceiver 104 for transmitting and receiving wireless data; a telephony transceiver 112-116 for transmitting and receiving wireless voice signals, wherein the data transceiver and the telephony transceiver are operable to simultaneously transmit signals (hoping, col. 2, 1-6, hoping fig. 3; and a controller/synchronizer 124 coupled to said data transceiver and said telephony transceiver for monitoring operation of said telephony transceiver and controlling operation of said data transceiver in response thereto (col. 3, 8-20).

Regarding claim 22, the claim is interpreted and rejected for the same reason as set forth in claim 21.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugar in view of Atkinson (US 5,515,374).

Regarding claim 4, Sugar fails to teach using separate antennas for the telephone transceiver and data transceiver, respectively. In contrast, Atkinson teaches a well-known technique that antenna 122 (fig. 1) is used for the telephone transceiver, while antenna 126 is used for the data transceiver 118. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide separate antennas to the base station of Sugar in order to reduce attenuation loss and impedance mismatching to the antenna when data and voice transceivers are connected to the same antenna.

5. Claims 5-7, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugar.

Regarding claim 5, Sugar also teaches that the base station can also be implemented with TDMA and CSMA/CA ([0109] – [0115]). Therefore, it would have been obvious to implement the data transceiver with CSMA/CA and the telephone transceiver with TDMA in order to comply with channel regulation from the FCC.

Regarding claim 6, it is obvious from the system of Sugar that the alternate system can also be that said data transceiver is a Home RF transceiver, and said telephony transceiver is a WDCT transceiver since both data transceivers of Sugar are in short range communication ([0108]-[0117]).

Regarding claim 7, Sugar as modified also teaches that said telephony transceiver transmits and receives according to a repeating frame having a plurality of time slots including transmit time slots, receive time slots, and blind time slots (TDMA, [0109-0110]), and said controller/synchronizer monitors said repeating frame, prevents said data transceiver from transmitting when said telephony transceiver is receiving, and prevents said data transceiver from receiving when said telephony transceiver is transmitting as stated in the rejection of claim 1.

Regarding claim 17, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claim 19, it is obvious that the base station of Sugar in figure 1 can provide more than 4 simultaneous voice communications.



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide more voice communication to the base station of Sugar so that more users can access the telephone system at the home office.

Regarding claim 20, Sugar does not teach  $1/12$  of the bandwidth is used. However, dependent upon the slots provided in the TDMA frame, the number of bandwidth can be varied. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to divide the time frame as claimed in order reduce bandwidth consumption.

### ***Allowable Subject Matter***

6. Claims 8-9, 11-14 are allowed.

Claim 8 was allowed as indicated in previous action according to the incorporation of claim 10.


### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-2, 4-7, 15-22 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 7/24/04  
LEE NGUYEN  
Primary Examiner  
Art Unit 2682